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SUBJECT: A/S FRIED MEETS WITH ANTONOV ON CFE IN GENEVA

Classified By: Mark Storella, DCM, for reason 1.4 (b) (d)

¶1. (C) Summary. On November 7, A/S Dan Fried, accompanied by A/S Paula DeSutter and an interagency team, met in Geneva with Russian MFA Director for Security and Disarmament Anatoly Antonov, accompanied by Mikhail Ulyanov and Sergey Federyakov to resume discussion of the U.S. paper on elements of a CFE package to end the impasse on Adapted CFE ratification and fulfillment of remaining Istanbul Commitments. As in their Berlin meeting October 18, discussion was businesslike and candid. Although the Geneva session lasted twice as long as planned, the common ground between the sides appeared to shrink, as the Russian team highlighted divisions on issues like provisional application and Baltic accession by providing maximalist language to reflect their ideas, and reintroduced the Russian proposal for a collective ceiling on the equipment holdings of the NATO Alliance (including possible future members). Antonov,s suggested language to implement the collective ceiling proposal, matched by language to implement Moscow,s now-familiar insistence that the flank regime be abolished for Russia, appeared to inject a second potential deal-breaker into the talks. As in Berlin, discussion was more open-ended on Istanbul commitments issues than on CFE-related topics. (COMMENT: The Geneva meeting, in fact, was a step back from the progress that was made in Berlin because of the tendency on Antonov,s part to push back on almost every issue. END COMMENT.) End Summary.

Guadauta

¶2. (C) Fried opened with a description of the actions he had taken to follow up on the Berlin meeting, focusing on his informal consultations with Senate staffers, his trips to Riga and Tbilisi for consultations with the Baltic states and the Georgian Government, respectively, and DAS Kramer,s contacts with Moldovan authorities. Fried,s report of his discussions with Georgian leaders led the sides to concentrate first on the Gudauta portion of the U.S. package proposal. Fried noted that FM Bezhuashvili understands the importance of ratification of A/CFE and wants to be helpful in the process. In exchange for "documentary transfer8 of the facilities at Gudauta, as Antonov had suggested in the October meeting, Georgia would commit to ratification of A/CFE. This was confirmed by the head of the Georgian Parliament, Burjanadze, as well as by President Saakashvili. Fried noted that Georgia was not in a position to explicitly endorse Russian use of Gudauta as a logistics support facility for peacekeeping forces. Fried said he had made clear to Georgian authorities that Russian peacekeeping forces would remain at Gudauta as part of this package, and

Georgian authorities understood that but were politically unprepared to legitimate the Russian presence. Fried noted that public commitment by Georgia to ratify A/CFE would have a positive impact on ratification deliberations by many parliaments, including the U.S. Senate. He said this was a major step by the Georgian government and should be viewed as such.

¶13. (C) Antonov reacted negatively saying that this was a step back by from the position expressed in the U.S. paper that had been presented in Moscow, where we had suggested Georgia would legally transfer a portion of the facility to Russia for use by its peacekeepers. Fried reiterated that the Georgian commitment to ratify the Adapted Treaty, with Russian forces still present at Gudauta, was a major step by Tbilisi and the one that mattered in CFE terms. He understood Russia's desire for an acknowledgement of its continued presence, and suggested that agreement on transparency steps might be the way to achieve that. Fried, drawing on VCI DAS Look's suggestion, proposed that arrangements pertaining to Georgia might be captured in parallel unilateral statements by Russia, Georgia, and the U.S.: Russia would issue a statement that it has completed documentary transfer of the Gudauta facility to Georgia and agreeing to transparency visits; Georgia would issues a statement that on this basis, it agrees to ratify the Adapted CFE Treaty; the U.S. would issue a statement welcoming the documentary transfer of the facility and the opportunity to conduct, with Georgia's permission and the Russian Federation's facilitation, quarterly transparency visits to the facility.

¶14. (C) Antonov was willing to discuss the possibility of transparency visits, but pushed for UNOMIG as implementer. Fried and EUR/RPM DepDir Jennifer Laurendeau explained that Georgia did not view UNOMIG visits as likely to be valuable; OSCE was their preferred option. Antonov said his authorities wanted to avoid an OSCE modality. The U.S. side suggested that the U.S. could conduct the visits, as we had done in 2000 in the context of equipment withdrawal from the facility. Antonov expressed appreciation for the offer by the U.S. to conduct visits, although he was not sure Russia would agree to any visits at all. Antonov seemed to find the idea of the three statements appealing, especially when he considered the possibility the U.S. statement might mention use of Gudauta by Russian peacekeepers, albeit in the context of implementing transparency provisions.

Accession by the Baltic States and Slovenia

¶15. (C) Discussion of accession to Adapted CFE by the Baltic States and Slovenia was colored by acrimonious exchanges at the French CFE seminar in Paris November 5-6, which Antonov recalled with some irritation. French Deputy Political Director Philippe Carre had made matters worse, Antonov argued, and in effect compelled a confrontation between Russia and the Baltics. Fried agreed that the discussion had been unnecessarily difficult, and recounted that he had, in discussions in Riga, elicited Baltic agreement to engage in consultations on accession to CFE as soon as intra-Alliance discussions had been completed. Antonov said Russia's goal was to achieve clarity regarding the conditions under which the Baltics would accede to the Treaty. They must be part of the flank, for example. Antonov then advanced language on Baltic accession to be included in a package approach on CFE: & immediately after agreement on this package solution, the Baltic States and Slovenia would begin negotiations on accession to the Adapted CFE Treaty. These would be concluded within six months by signing an accession agreement, which would be provisionally applied as of the date of provisional application of the Adapted Treaty.⁸ Antonov explained that this timeline related to proposals would shortly explain with regard to the timing of provisional application of the Adapted Treaty (Russia envisions that the Adapted Treaty would be provisionally applied after the U.S. ratifies it -- see para 11 below).

16. (C) Fried responded that many of Antonov's observations seemed reasonable, but the point about the flank was striking: was Russia really proposing that the flank regime be abolished for Russia, but that the Baltics, in acceding to the Adapted Treaty, would need to be bound by the flank? Antonov said that this was Russia's position. Fried observed that this seemed likely to prove politically unsustainable. He reiterated that Russia's interest in discussing the conditions for Baltic accession to Adapted CFE was reasonable; six months might be sufficient to complete those discussions, although this was not clear, since a NATO process would need to precede discussions involving Russia. He warned that proposals for provisional application were likely to be badly received by the Baltics.

Moldova

17. (C) Discussion next turned to Moldova. Antonov welcomed the idea of energizing settlement negotiations through a U.S.-hosted conference. On munitions, he said that Russia was ready to consider providing aggregate data (in tons) about remaining stocks, and that visits would be possible when withdrawal of munitions has begun. Regarding the visits, Antonov noted that they would be done in accordance with @ular8 procedures for visits to military facilities (preliminary request 1 month in advance, notifying the site, date of the visit, purpose of the visit, and composition of team), and would require the consent of Transnistrian authorities (which he believed the OSCE Mission could acquire). Fried pressed for such transparency visits to begin right away (not wait until withdrawal of munitions begins), as long as agreed procedures were in place. Comment: it is also notable that the Russian proposal to provide data on remaining stocks is very different from the U.S. proposal, endorsed by other OSCE members, for a joint Russia-OSCE inventory of remaining stocks of stored munitions. End comment.

18. (C) Antonov said that the Russian Federation was open to the idea of a limited number of civilian observers) he suggested 20) but that their functions would need to be clearly delineated in a mandate. When EUR DAS Kramer outlined the role the U.S. envisioned for the civilian observers, Antonov responded that the U.S. had in mind too many (the U.S. proposal was ~ more than 5008) and their proposed tasks too ill defined. In addition, their functions would have to be coordinated with the parties, the peacekeepers, and even those involved in visits to Kolbasna. Kramer briefly outlined some of the functions the U.S. thought would be performed by the civilian monitors, noting they would observe the conduct of peacekeeping operations, help man the checkpoints, and promote interaction between the sides with a view to advancing the common goal of demilitarization of the conflict. It was clear that a detailed mandate would be needed for such an OSCE mission, so Fried suggested that the CFE paper be amended to reflect agreement to develop such a mandate rather than try to outline the actual mandate.

Potential Deal Breakers: FLANK and Collective Ceiling on NATO

19. (C) Fried made clear that there was no change in the U.S. position on the flank regime, but noted we would be willing to review operation of all treaty provisions, including the flank regime after entry into force (EIF) of A/CFE. Antonov explained that the Russian position on the flank also remained the same, but he offered draft text that addressed a post-EIF review A/CFE. While the language on review that Antonov offered was reasonable, it was sandwiched by a commitment that the flank regime would no longer apply to Russia (with an amendment to that effect made immediately upon EIF) and a new requirement in the context of the CFE paper: a commitment by NATO to notify within 6 months their levels of national and territorial ceilings valid as of the date A/CFE is provisionally applied, noting that those levels should not exceed the limits for a &group of states

parties⁸ contained in Articles IV and V of the current CFE Treaty. The Russian text made it clear that any future new NATO members with territory or forces in Europe would join CFE; regardless of NATO membership, the collective ceilings for NATO would not exceed the group ceilings of current CFE. Russia's proposed language (reordered for clarity) was as follows:

-- Review: &In the framework of agreement on a package solution the States Parties would undertake to review the operation of the Treaty as soon as the Agreement on Adaptation enters into force, in order to modernize it in light of political-military and technical changes that have occurred since 1999.⁸

-- Flank: &This would include a political commitment recording agreement that the territorial subceilings of the Adapted CFE Treaty are no longer applicable to the territory of the Russian Federation and that a relevant amendment to the Adapted Treaty would be adopted as soon as the Agreement on Adaptation has entered into force.⁸

-- Collective NATO Ceiling: &The States Parties belonging to NATO would undertake a political commitment to notify within 6 months their levels of national and territorial ceilings valid as of the date the Adaptation Agreement is provisionally applied. Taken together, those levels should not exceed the limits for a &group of States Parties⁸ that are contained in Articles IV and V of the current CFE Treaty.

Those States Parties belonging to NATO would also declare that any new Alliance members with territory or forces in Europe would become CFE States Parties, and that notwithstanding any possible future changes in the composition of the Alliance, its members, aggregate ceilings for conventional armaments and equipment limited by the Treaty would not exceed the above-mentioned group ceilings.⁸

¶10. (C) Fried responded that the issue of collective group ceilings was one that had been discussed and rejected during the A/CFE negotiations. This would be a significant change to the Adapted Treaty, whose structure of national and territorial ceilings was designed explicitly to replace the original Treaty's bloc structure. He offered to investigate whether we could instead add some language addressing reductions in national ceilings and territorial ceilings.

Ratification of Adapted CFE

¶11. (C) On ratification Adapted CFE by NATO, Antonov noted that Russia wanted a guarantee that we would get to entry into force. He said straightforwardly that the real issue was the U.S. While he appreciated that Fried had consulted with the Senate staff, still he wondered whether the U.S. would ratify in 2008. In response to the phased timeline for NATO ratification efforts that the U.S. had outlined in Berlin, Antonov insisted that the &major⁸ countries have to be in the first tranche: the U.S., he said, must be in the lead of the effort in order to set an example for the rest. He suggested that NATO states should commit to complete ratification procedures and deposit their instruments of ratification within 12 months, with the U.S., Germany, France, the UK, Georgia and Moldova declaring their intent to do so within six months. Moscow accepted the point the U.S. had made in Berlin, that provisional application of the Treaty was virtually impossible for the U.S. prior to Senate ratification. Thus Russia's idea was that if the U.S. ratified within six months, then provisional application could take place. Other NATO members did not have equally difficult systems. Fried noted that the U.S. could not make any commitment to ratify A/CFE, although, as part of the package, we might be able to commit to submit the Treaty to the Senate within a given period. Fried noted that DAS Look would be meeting with Allies in the HLTF on November 15 and promised the U.S. would check with them on the proposed six and twelve month timelines. Russia's proposed language on this issue was approximately as follows:

&With agreement on the package below, NATO Allies, including Germany, France, the United Kingdom, the United States, and Georgia and Moldova, would begin ratification of the Adapted CFE Treaty. As part of this package, States Parties that have not yet ratified the Treaty would undertake a political commitment to complete the ratification process and transmit instruments of ratification to the depositary within 12 months of this agreement, notwithstanding that the U.S., Germany, the United Kingdom, France, Georgia and Moldova would declare their political intent to deposit instruments of ratification within 6 months of the date of this agreement.⁸

Substantial Combat Forces

¶12. (C) Antonov welcomed the information that the U.S. was prepared to begin a process to define the term &substantial combat forces⁸ as contained in Section IV, &Political-Military matters⁸ of the NATO-Russia Founding Act, in the context of agreement on a CFE package solution. He wanted to be sure that the effort included the rest of NATO as well. Moreover, he and Ulyanov emphasized that the process of definition should include both ground and air equipment. Laurendeau recalled that it mattered little where combat aircraft, for example, were permanently stationed, because of their inherent mobility. Ulyanov cited Allies, December 1998 statement on CFE as an indicator that the Founding Act was intended to cover both ground and air systems. Fried said that the U.S. had committed to address the language of the Founding Act, since that commitment is the one that is always cited as a touchstone of NATO policy. He was dubious about extending the discussion to air equipment.

Suspension

¶13. (SBU) When asked about the need to rescind Russia,s plan to suspend implementation of the current CFE Treaty on December 12, Antonov commented that &if we get a package, this will be part of the package.⁸

Recording a Deal

¶14. (SBU) Recalling an earlier discussion, Fried noted the importance of finding the right vehicle for bringing the other CFE States Parties on board with the package approach. He suggested it would be better to have the 30 States Parties simply endorse the package in some form, not try to negotiate another text. Antonov agreed. Fried said it seemed clear that we should be aiming to achieve results by the OSCE Ministerial. Antonov said December 12 was really NATO,s deadline; Russia was prepared to continue to try to find a way forward after December 12. Fried and DeSutter said it would be hard for NATO Allies to move toward ratification of the Adapted Treaty if Russia had suspended fulfillment of the current Treaty; and that the search for creative solutions on CFE issues would be made more difficult if Russia suspended.

¶15. (SBU) Looking at next steps, Fried said the U.S. would revise the CFE paper and aim to provide a new bracketed text and draft statements on Georgia to Antonov to review by Monday, November 12 or as soon as possible thereafter. Allowing some time for Moscow to review, Fried suggested the next meeting might be held in Europe on Friday, November 16, if possible. Antonov was skeptical that he would have additional instructions by November 16, but agreed to tentatively plan for a meeting.